

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF DRINKING WATER  
JANUARY 22, 2019**

**ITEM 4**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION TO ADOPT PERMANENT REGULATIONS FOR POINT-OF-USE AND POINT-OF-ENTRY TREATMENT DEVICES FOR PUBLIC WATER SYSTEMS

**DISCUSSION**

Assembly Bill (AB) 434 (2015), which amended Health and Safety Code sections 116380 and 116552, required the State Water Resources Control Board (State Water Board) to adopt regulations governing the use of point-of-use (POU) and point-of-entry (POE) treatment devices by a public water system (PWS) in lieu of centralized treatment, and established limitations on the scope of such regulations. Health and Safety Code section 116380 required the State Water Board to adopt the regulations as emergency regulations, which the State Water Board did in March 2016. AB 434 also required the State Water Board to adopt permanent regulations in accordance with the Administrative Procedures Act. In accordance with Health and Safety Code section 116380, the emergency regulations remained in effect until January 1, 2018. The proposed resolution is to adopt the permanent regulations for use of POU and POE treatment devices.

When drinking water treatment is necessary to remove specific contaminants, centralized treatment is typically utilized, ensuring the drinking water within the distribution system, as a whole, meets all drinking water standards. Alternatively, a POE treatment device can provide necessary treatment of the distributed water at or near the point at which the water enters a consumer's house or a building. Similarly, a POU treatment device does not provide centralized treatment for the entire distribution system or building; the POU treatment device is installed at a single tap and is used to reduce the contaminant(s) at that tap only.

In March 2017, State Water Board staff presented three informal public and stakeholder workshops on the development of the permanent regulations. Informal comments were provided by interested stakeholders and public water systems.

Public comments on the draft regulations were received during the public comment period which ended on November 30, 2017. An opportunity for oral public comment was provided at a public hearing held on November 27, 2017. On January 3, 2018, an additional 15-day comment period was provided for changes made to the regulation text. This comment period was extended until February 2, 2018. Following adoption by the State Water Board on February 6, 2018 and receipt of Office of Administrative Law comments on October 5, 2018, revised regulation text and an addendum to the Initial Statement of Reasons were circulated in a public comment period that ran from November 8 through November 27, 2018. State Water Board staff considered all comments received during the public comment periods.

All elements of the regulatory package are posted on the program webpage at: [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/regulations/](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/)

**POLICY ISSUE**

Should the State Water Board adopt the proposed resolution and accompanying regulations?

**FISCAL IMPACT**

There is no fiscal impact and no funds are being requested.

**REGIONAL BOARD IMPACT**

None.

**STAFF RECOMMENDATION**

Staff recommends that the State Water Board adopt the proposed POU and POE treatment regulations, and accordingly modify sections 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64418.8, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, and 64420.7, and 64420.8 of Title 22 of the California Code of Regulations.

State Water Board action on this item will assist the Water Boards in achieving the goals of the Human Right to Water consistent with the February 16, 2016 Board Resolution which established the human right to water as a top priority and core value of the State Water Board and Regional Water Quality Control Boards.